

What is a Public Right-of-Way?

A public right-of-way is an easement dedicated by subdivision plat or metes and bounds to and for use by the public, and which is separate and distinct from the lots or parcels abutting such right-of-way for public use.

What is an easement?

An easement is the right acquired by a person or entity to the use of the land of another for a special purpose.

What is a public easement?

A public easement is an easement dedicated by subdivision plat, or metes and bounds, to and for the use by the public and included within a lot or parcel.

What is a vacation of public right-of-way or easement?

A vacation of a public right-of-way is the permanent closure of such right-of-way by the public. The vacation of a public easement is the discontinuance of use of an easement by the public.

How do I apply for a vacation request?

A property owner who abuts a right-of-way or when a property contains an easement located within the corporate limits of the City of El Paso may apply for vacation of such easement or right-of-way. An application may be obtained from the Planning, Research & Development Department. Items require to be submitted as part of the application request include the following:

- Completed application form with a non-refundable fee.
- Written concurrence of all abutting owners who own property adjacent to the right-of-way or easement proposed to be vacated.
- Proof of ownership of all abutting owners who own property adjacent to the right-of-way or easement proposed to be vacated.
- 18 copies of a survey of the area proposed to be vacated prepared by a registered surveyor.
- Metes and bounds description of the property to be vacated and calculations of the total area in square feet.
- One copy of the subdivision plat or recording instrument by which such right-of-way or easement was dedicated.



City of El Paso

LAND DEVELOPMENT INFORMATION SERIES

PUBLIC RIGHT-OF-WAY AND EASEMENT VACATION PROCESS



Planning, Research, and
Development Department

What is the vacation process?

After acceptance of a completed application, the Planning, Research & Development Department reviews the request and obtains review comments from the Subdivision Coordinating Committee (SCC) and other City departments. The case is then taken to the Development Coordinating Committee (DCC) for a recommendation. It is then scheduled for the first public hearing before the City Plan Commission (CPC). A staff report is prepared based on comments received from the SCC and recommendations from the DCC. The staff places the proper legal notices in the newspaper and sends out notification letters to property owners within 300 feet of the proposed vacation request. This requirement is only for right-of-way vacation requests; easement vacation requests do not require any public notice.

The CPC public hearing takes place approximately six weeks following the submittal of the application, and votes to approve, approve with modifications, deny, or table the vacation request. The staff report is presented, public input is received and CPC deliberates its findings.

When a recommendation to approve the application is made by CPC, the staff will forward the case to the City Attorney's Office for the purpose of obtaining an appraisal for the proposed right-of-way to be vacated.

The City Attorney's Office will prepare an ordinance and the Planning, Research & Development Department will forward the ordinance to the City Clerk's Office for placement of the City Council (CC) agenda for the final public hearing. The final hearing before CC will take place approximately four to five weeks after the CPC hearing. The staff report with DCC and CPC recommendations is presented, public input is heard and CC deliberates its findings and either approves, approves with modifications, denies or tables the application. Upon CC approval, the Planning, Research & Development Department makes the necessary changes to the Official Base Map and Zoning Map Series of the City.

What are the vacation application fees?

A fee of \$571.00 will be assessed for all right-of-way vacation requests and a \$342.60 fee for all easement vacation requests. In addition to the application fee, the applicant will be responsible for payment of the appraisal fee and market value of the right-of-way to be vacated. The City will charge \$25.00 for all easement vacation applications that represent the City's interest value in the easement. These fees are always subject to change.

What is the appeal process if the City Plan Commission (CPC) recommends denial?

If CPC recommends disapproval of the vacation application, the property owner may request an appeal in writing. The applicant is required to place an item, through the City Clerk's Office, on the regular agenda or a scheduled meeting of the CC regarding the appeal.

The appeal must be made within 15 days of the recommendation for denial by CPC. CC may approve or deny the vacation request upon the applicant's appeal.

Can an owner resubmit a vacation application after it is denied?

An owner cannot resubmit an application for vacation of a public easement or right-of-way within a twelve-month period from the date of final action by CPC or CC, whichever action occurred first.

Public Right-of-Way and Easement Vacation Process

